

# Decision Record

**EA TITLE:** Eagle Crest Right-of-Way Application, Amending an Existing Right-of-Way

**EA NUMBER:** OR-056-00-079

**SERIAL NUMBER:** OR-49350

**APPLICANT:** Eagle Crest, Inc.

**BLM OFFICE:** Prineville District

**RESOURCE AREA:** Deschutes

**LOCATION:** Approximately five miles west of the City of Redmond, in the western ½ of Section 15, Township 15 South, Range 12 East, Willamette Meridian, Oregon.

**DECISION:** It is my decision to implement the proposed action from EA# OR-056-00-079. Right-of-Way (ROW) OR-49350 will be amended to include construction, use, and maintenance of a waterline for the purpose of transporting water from Eagle Crest Phase III to an existing reservoir on public lands (see attached maps A and B, and Exhibits A and B) and back. The waterline will not cross the ephemeral channel at the location 500 feet north of the reservoir. Instead, the waterline will be buried in an existing roadbed that crosses the channel approximately 560 feet northwest of the reservoir (see exhibit C).

The waterline will be a 12-inch mainline that will cross approximately 1,800 feet of public lands north of the existing reservoir site before entering private lands. The width of the ROW will be 20 feet, occupying approximately 0.8 acres. The waterline will be buried in a trench approximately 2 feet across (the width of the excavating shovel) and 30 inches deep. Equipment will meander around trees and bushes within the ROW during construction. After installation of the waterline, the trench will be buried with the earth previously removed.

**ALTERNATIVES CONSIDERED:** Two other alternatives were considered. A no action alternative would not amend OR-49350, hence, deny Eagle Crest a route across public lands for a waterline. Alternative two would permit a route across public lands to the west of the existing reservoir site before entering private lands, then continue to Eagle Crest Phase III. This route was requested by BLM as an alternative to the proposed action. It would be a shorter route across public lands than the route in the proposed alternative, but an additional pump would have to be installed at the reservoir site. The pump would lift water approximately 40 feet on the return trip to Phase III.

**RATIONALE FOR DECISION:** I have selected the proposed action because it (1) would have the least impacts on resources and the impacts can be mitigated; (2) is the least complex system considered, therefore, more reliable and long lasting; (3) represents a system that conforms to common, accepted, and sound engineering practices; (4) and is a prudent addition to an existing system.

The proposed alternative is in conformance with the Brothers/La Pine Resource Management Plan, July 1989.

Three comment letters were received. The majority of comments were outside of the scope of the EA, addressing Oregon land use planning and water rights laws, and Deschutes County ordinances and procedures.

Issues that were within the scope of the EA were (1) that the ROW would be too wide and will result in a 20-foot “swath” which will be open to erosion and weed introduction, (2) requests to participate in the juniper woodland habitat program with ODFW (Oregon Department of Fish and Wildlife) and Eagle Crest, (3) the route would cross a gully that was not identified in the EA, and (4) future uses of the ROW route were not identified.

1. District experience has found that a 20-foot ROW width is appropriate, especially for the purpose of protecting vegetation within the ROW, because it provides sufficient width for passage of construction equipment. The entire ROW will not be cleared, creating a 20-foot swath. Vegetation would only be cleared from a 2-foot wide trench where the waterline would be installed, except for approximately 10 juniper trees identified for removal or trimming. Construction equipment will move around vegetation, which will keep it intact and prevent erosion and weed introduction. In addition, the ROW will be seeded with native grasses.

2. ODFW and Eagle Crest developed a juniper woodland habitat program as part of Eagle Crest’s wildlife mitigation plan. BLM participated in the development of this program and provides information. ODFW and Eagle Crest are re-developing this program. BLM encourages contacting Eagle Crest or ODFW.

3. The ephemeral channel referred to in the comment letters was examined by the district hydrologist who concluded that the channel did not warrant further consideration. The hydrologist visited the channel again in response to the letters, but her conclusions remained the same and she recommended that the project should go forward. The waterline will be installed, however, 50 feet west of where previously proposed because (1) the channel is about a foot deep, (2) the waterline can be buried in the existing road that crosses the channel, (3) gravity flow from the reservoir will not be affected, (4) the waterline would not be visible where it crosses the channel, (5) the waterline would not be exposed to the elements or vandalism, and (6) one less large juniper tree would be removed.

4. Future uses of this specific route are unlikely because the location does not lend itself to a number of ROW uses. There have not been any other requests for use of this route. However, FLPMA and BLM policy do direct that ROWs be combined and consolidated when possible, so, in theory, other uses of the ROW could occur.

Copies of the comment letters and the responses are retained on file at the Prineville District Office.

The no action alternative was dismissed because a private route to the existing reservoir was not available; consequently, Eagle Crest would be denied use of their property and water rights.

Alternative two was dismissed because (1) more machinery would be placed on public lands, (2) it is not as sound an engineering practice as the proposed alternative, (3) and installing an extra pump is a needless expenditure to require of Eagle Crest.

**COMPLIANCE AND MONITORING:** The site will be inspected by the contractor, a representative of Eagle Crest, and the BLM authorized officer before construction, immediately upon completion, and at anytime during construction as requested by Eagle Crest or deemed appropriate by the authorized officer. The site will be monitored in the spring and fall to determine the success of rehabilitation. Site inspections will be conducted in conjunction with regular compliance checks of other ROWs in the general area.

**TERMS AND CONDITIONS/ STIPULATIONS:** Before construction begins, flagging for the route and for identification of removal trees will be re-established by the contractor, Eagle Crest, and BLM.

Equipment will remain in the ROW or on established routes during construction. Within the ROW, equipment will avoid trees.

Trees selected for removal or trimming must be approved by the authorized officer.

After installation of the waterline, the trench will be buried with the previously removed earth, and the site will be rehabilitated with native bunch grasses, equal parts bluebunch wheatgrass and bottlebrush squirreltail at 10 lbs/acre, or other native grass species as directed by the authorized officer.

Eagle Crest will continue to inform and involve BLM with the progress of the juniper woodland habitat program developed with ODFW for Eagle Crest's wildlife mitigation plan.

All stipulations from OR-49350 will remain in force and will apply to this amendment as determined appropriate by the authorized officer.

/s/ Robert B. Towne  
Robert B Towne,  
Deschutes Field Manager

03/01/01  
Date

**ATTACHMENTS:** Maps A and B, Exhibits A, B, and C